

ORDINANCE NO. 3080
**AN ORDINANCE TO ESTABLISH AN INTERIM
MORATORIUM ON THE LAND APPLICATION OF TREATED SEWAGE
SLUDGE/BIOSOLIDS**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION I: That Chapter 8.13 of the County Code be added as follows:

8.13.010 Purpose.

The Board of Supervisors does hereby find, determine and declare the unregulated application of biosolids as defined in this chapter, also referred to as treated sewage sludge, may pose a risk to the health, safety and welfare of the citizens of San Luis Obispo County. Biosolids contain heavy metals, pathogenic organisms, chemical pollutants, and synthetic organic compounds, which may pose a risk to the public health and the environment if improperly handled. The purpose of this chapter is to establish an interim moratorium on the land application of biosolids other than exceptional quality (EQ). Further, it is the intent of this interim moratorium to assure the quantity of exceptional quality (EQ) biosolids applied and distributed in San Luis Obispo County shall not exceed historic levels.

8.13.020 Definitions.

The following words and phrases shall be interpreted as follows:

(1) "Treated Sewage Sludge/Biosolids" mean treated solid, semi-solid or liquid residues generated during the treatment of sewage in a wastewater treatment facility meeting 40 CFR Part 503 requirements specified in Section 503.32 for pathogen reduction, Section 503.33 for vector attraction reduction, and Section 503.13, Tables 1 and 3 for pollutant concentrations. These residues include, but are not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Biosolids" as used in this chapter excludes composted and other biosolids products packaged in a bag or container for routine retail sales through regular retail outlets primarily used for landscaping, and excludes those biosolids otherwise disposed of at a regulated landfill. "Biosolids" as used in this chapter also excludes biosolids composted with other organic products such as green waste and sold in bulk form.

(2) "Exceptional Quality Biosolids" means Class A biosolids meeting the pollutant concentrations in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, Class A biosolids must meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a) to be exceptional quality. For the purposes of this chapter, exceptional quality biosolids are in bulk form and shall not include compost meeting or exceeding exceptional quality criteria.

(3) "Person" means any individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation or any other entity whatsoever.

Section 8.13.030. Interim Moratorium.

Except as otherwise provided herein, there shall be an interim moratorium on the application or distribution of biosolids and exceptional quality biosolids on any land within the unincorporated areas of San Luis Obispo County. The moratorium established by this Ordinance shall remain in effect until such time as a permanent ordinance regulating the land application of biosolids and exceptional quality biosolids is enacted by the Board of Supervisors, or 48 months from the enactment of this ordinance, whichever first occurs. The moratorium shall apply to any person applying or distributing biosolids in San Luis Obispo County, subject to the following requirements:

(1) Any person who desires to distribute or apply biosolids in a quantity equaling or exceeding 5.0 cubic yards during the period of the moratorium, shall notify in writing the San Luis Obispo County Public Health Department, Division of Environmental Health thirty (30) days prior to application or distribution; and

(2) The Division of Environmental Health shall not authorize more than a cumulative total of 1,500 cubic yards of exceptional quality biosolids to be applied or distributed within the unincorporated areas of San Luis Obispo County during any twelve-month period beginning with the adoption of this ordinance. If the cumulative total of exceptional quality biosolids land applied or distributed in a 12 month period is less than 1,500 cubic yards, the remainder shall be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.

(3) The Division of Environmental Health shall be empowered to prohibit any application of biosolids, including exceptional quality biosolids under the following conditions:

- a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
- b. The application of biosolids is in excess of the cumulative total limitation set forth above in paragraph 2.
- c. The applicant cannot provide documentation of biosolids meeting EQ standards.

(4) The Environmental Health Division shall develop policies and procedures to implement the requirements of this ordinance.

Section 8.13.040. Penalties

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor pursuant to chapter 1.04.010.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION III: Before the passage of 15 days after adoption of this ordinance, it shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 7th day of February, 2006, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 28th day of February, 2006, by the following roll call vote, to-wit:

AYES: Supervisors James R. Patterson, Shirley Bianchi, Harry L. Ovitt, Jerry Lenthall,
NOES: None Chairperson K.H. 'Katcho' Achadjian
ABSENT: None

K.H. ACHADJIAN

Chairman of the Board of Supervisors of the
County of San Luis Obispo, State of
California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the
Board of Supervisors, County of San
Luis Obispo, State of California

BY: **C.M. CHRISTENSEN**

Deputy Clerk
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 

Raymond A. Biering
Deputy County Counsel

Dated: 1/24, 2006.